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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION )  
OF NORTHERN CALIFORNIA; )  
SAN FRANCISCO BAY GUARDIAN, )  
Plaintiffs, )  
v. )  
DEPARTMENT OF JUSTICE, )  
Defendant. )

No. 12-CV-4008-MEJ

SECOND SUPPLEMENTAL DECLARATION  
OF PATRICIA J. KENNEY IN SUPPORT  
OF THE DEPARTMENT OF JUSTICE'S  
MOTION FOR SUMMARY JUDGMENT  
AS TO PART 1 OF PLAINTIFF'S FREEDOM  
OF INFORMATION ACT REQUEST

I, Patricia J. Kenney, pursuant to 28 U.S.C. § 1746 declare as follows:

1. I am an Assistant United States Attorney ("AUSA") in the Criminal Division of the Office of the United States Attorney ("USAO") for the Northern District of California ("NDCA"), and am admitted to practice law in the State of California. My pertinent background, experience and collateral FOIA duties, including my responsibilities as the liaison between the United States Attorney's Office and the Department of Justice in connection with this litigation, is fully set forth in my

1 declaration filed in this case on September 23, 2013. *See* Declaration of Patricia J. Kenney, etc.  
2 (“Kenney Decl.”), filed September 23, 2013. The information in my initial declaration, the  
3 supplemental declaration and this second supplemental declaration is based on my personal knowledge,  
4 or knowledge which has come to me in the ordinary course of my duties as an AUSA, in providing  
5 FOIA advice, and in working as a liaison in this litigation with USAO managers, supervisors and line  
6 AUSAs as well as DOJ attorneys and staff.

7  
8 2. In reviewing my previously filed declarations prior to the argument in this case, I stated  
9 that “a few years ago, the then Deputy Criminal Chief, J. Douglas Wilson, after consultation with the  
10 pertinent law enforcement agency, sought and obtained an unsealing order for applications for location  
11 tracking information and orders in connection with a federal criminal case in Arizona.” *See*  
12 Supplemental Declaration of Patricia J. Kenney, etc., filed December 12, 2013, at 3:12-16, ¶ 5; *see also*  
13 Declaration of Patricia J. Kenney, etc., filed September 23, 2013 at 11:22-27; ¶ 22:22 (words to same  
14 effect). After reviewing the underlying documents, however, it was the Branch Chief of the San Jose  
15 Office, Jeffrey D. Nedrow, who actually signed and filed the applications to unseal, which filing took  
16 place after a number of discussions had occurred between and among the agency, the Branch Chief and  
17 the then Deputy Criminal Chief, and after the then Deputy Criminal Chief authorized the Branch Chief  
18 to file the applications to unseal.  
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20 \* \* \* \* \*

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22 I, Patricia J. Kenney, declare pursuant to 28 U.S.C. § 1746 on information and belief that the  
23 foregoing is true and correct. Executed in San Francisco, California, on this 25<sup>th</sup> day of February, 2014.

24 \_\_\_\_\_  
25 /s/  
26 PATRICIA J. KENNEY  
27 Assistant United States Attorney  
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